



MAIL STOP AF  
Attorney Docket No. 26274

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

FRANCHI et al.

Serial No.: 10/506,407

Group Art Unit: 1617

Filed: September 1, 2004

Examiner: K. D. Carter

For: **COSMETIC USE OF PHYTOSPHINGOSINE AS A SLIMMING AGENT  
AND COSMETIC COMPOSITIONS COMPRISING PHYTOSPHINGOSINE**

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated September 14, 2007, which has a three-month shortened statutory period for response expiring on December 14, 2007. A response was filed, along with a two month extension of time on February 14, 2008. As such, further three month extension of time is attached hereto along with the requisite fees, which have been reduced to account for the payment made on February 14. Thus the period for response is thereby extended until March 14, 2008. Accordingly, this Notice of Appeal is timely filed.

In response to the Official Action mailed September 14, 2007, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner finally rejecting claims 31-35, 40-44, 67-69, 74-79 and 84 of the captioned application.

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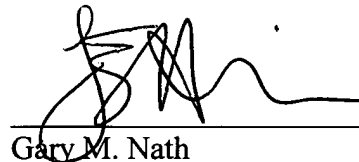
**Fee under 37 CFR § 41.20(b)(1)**

Applicants file herewith a check in the amount of \$510.00 for the Notice of Appeal fee in accordance with 37 CFR § 41.20(b)(1).

The Commissioner is authorized to charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,

**THE NATH LAW GROUP**

A handwritten signature in black ink, appearing to read 'Gary M. Nath', is written over a horizontal line.

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Date: March 14, 2008

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